Berry Brush WUI Hazardous Fuels Reduction Project

Categorical Exclusion Framework

36 CFR 220.6(a)

Background The North Complex Fires began with a series of lightning strikes August 17, 2020. The Claremont Fire and Bear Fire located on the Plumas National Forest merged and on September 8, 2020 spotted across the Middle Fork Feather River, entered Butte County, and traveled some 30 miles that day. The communities of Berry Creek and Brush Creek were immediately evacuated. The North Complex Fire burned through the Brush Creek Work Center destroying all but three structures. It burned through the community of Brush Creek, the town of Berry Creek was leveled with few homes left standing, and threatened the city of Oroville before its westward spread was stopped.

The fire burned some 202,000 acres of National Forest System (NFS) lands on the Feather River Ranger District including forested land in the wildland urban interface (WUI) around Berry Creek and Brush Creek. Tree mortality has occurred in areas of mixed and high fire severity. These fire-killed trees will become dangerous fuels, represent a safety hazard and risk to forest visitors, and must be removed before reforestation can occur. In some stands, mortality approaches 100% and artificial reforestation efforts will be needed to bring them into compliance with forest plan objectives and NFMA reforestation requirements.

Proposed Project Location The project (PALS 59232) would occur from Bloomer Hill to the southwest to Junction House to the northeast, and include NFS lands nearby Oro-Quincy Highway, Bald Rock Road, Stephens Ridge, Brush Creek, and Mountain House.

Proposed Project Action and Description This project proposes to treat no more than 3,000 acres using a variety of fuels reduction and restoration techniques for wildlife habitat and fire- and climate-resilience. To reduce fuels and restore function, FRRD proposes to salvage cut, hand-cut-and-pile brush, burn brush piles, plant trees in the ground, masticate brush, prune resprouting oaks, dig fire-lines by hand, and hand-spray herbicides.

- Salvage Cut removing trees which are dead or dying because of injurious agents (fire killed trees), to recover economic value that would otherwise be lost. Salvage will be conducted following designation by damage class. Follow marking guidelines for fire-injured trees in California (Smith and Cluck 2011). No green tree element. No sawlog diameter limits for salvage cut. SNFPA guidelines for snag retention apply;
- Mastication any crushing, mowing, mulching, or other treatment that grinds or shreds vegetation (e.g. brush, fire killed trees) leaving resulting material on the forest floor, to enhance the success of natural regeneration or regeneration on sites that will be replanted;
- Herbicide treatments site preparation and release treatments by application of herbicides to control competing vegetation (target species would be primarily the shrub species ceanothus, manzanita, deer brush, Himalayan blackberry and other species as necessary). Herbicides would be limited to glyphosate and triclopyr using a targeted backpack sprayer and cut-and-daub methods to enhance the success of natural regeneration or

regeneration on sites that will be replanted, in accordance with stream buffer and operating period restrictions in the management requirements table;

- Hand-Cut trees and shrubs using chainsaws to enhance the success of natural regeneration or regeneration on sites that will be replanted with native conifer seedlings;
- Yarding of activity-generated slash and other fuels from the site by carrying or dragging;
- Piling by Hand or Machine all activity generated slash and cover with waterproof covering for burning during winter months;
- Burning of Piled Material including hand and machine piles during winter months to remove hazardous fuels;
- Plant Trees to re-establish forest cover artificially by planting seedlings and/or cuttings, with or without site preparation;
- Establish Research Plots installed for research purposes by experimental stations, universities, or similar;
- Prune close to the branch collar or flush with stem, side branches and multiple leaders from oak (or other hardwood) resprouts;
- Tree Release and Weed treatments (mechanical or herbicide) designed to free young trees from undesirable, competing vegetation in stands not past sapling stage;
- Precommercial Thin selective felling, deadening, or removal of trees from a young stand to maintain a specific stocking or stand density range;
- Dig Fire Lines by Hand installing a control line that is scraped or dug to mineral soil;
- Apply Prescribed Fire to the majority or all of an area within well-defined boundaries for reduction of fuel hazard, as a resource management treatment, or both to achieve desired conditions;
- Maintenance hand cutting, hand- and/or grapple-piling, mastication, biomassing, targeted grazing, herbicide applications, and prescribed under-burning as needed on multiple entries over the next 30 to 40 years to maintain desired conditions and
- The project will include road improvements and maintenance to existing roads.

Do the Proposed Actions fit within an established category? A proposed action may be categorically excluded from further analysis and documentation in an EIS or EA if the proposed action is within a category listed in 36 CFR 220.6(d) or (e).

Wildfire Resilience. The Consolidated Appropriations Act of 2018 (Public Law 115- 171) amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591 et seq.) to add Section 605. Section 605 establishes a categorical exclusion for hazardous fuels reduction projects in designated areas on National Forest System lands. A hazardous fuels reduction project that may be categorically excluded under this authority is a project that is designed to maximize the retention of old-growth and large trees, to the extent that the trees promote stands that are resilient to insects and disease, and reduce the risk or extent of, or increase the resilience to, wildfires (HFRA, Sections 605(b)(1)(A)).

This categorical exclusion may be used to carry out a hazardous fuels project in an insect and disease treatment area that was designated by the Secretary under HFRA section 602(b) by March 23, 2018. (HFRA, Section 605(c)(2)(C)).

The project is in an area designated in accordance with section 602(b) and (c) of HFRA; the project is in the wildland-urban interface; the project is not located in congressionally designated areas, in areas where the removal of vegetation is restricted or prohibited by statute or by Presidential proclamation, or in areas where the activities described would be inconsistent with the applicable Land and Resource Management Plan; the project's number of acres treated will not exceed 3,000 acres; the project will not include the establishment of permanent roads, additionally, if temporary roads will be constructed they will be decommissioned no later than three years after the date the project is completed; public notice and scoping was conducted; and the project was developed through a collaborative process that included multiple interested persons representing diverse interests and is transparent and non-exclusive.

The project removes standing dead and dying trees and fuel materials on the ground to balance short- and long-term surface fuel loading while protecting remnant old forest structure (surviving large trees, snags, and large logs) from high severity re-burns or other severe disturbance events in the future (SNFPA ROD, p. 52). The project is designed to maximize the retention of old-growth and large trees by having no green tree element in salvage stands and following SNFPA guidelines for snag and large down retention.

The project also re-establishes forested conditions by planting native seedlings (SNFPA ROD, p. 52). The SNFPA ROD identifies the need to incorporate ecosystem restoration following catastrophic events (USDA 2004b, Appendix D. Management Standards and Guidelines, pp. 52 and 53). Standard and Guideline #13 includes "*Objectives for restoration projects may include limiting fuel loading over the long term, restoring habitat, and recovering the economic value from dead and dying trees. In accomplishing restoration goals, long-term objectives are balanced with the objective of reducing hazardous fuel loads in the short-term. Timber harvest of dead and dying trees may be conducted to recover the economic value of this materials and to support objectives for reducing hazardous fuels, improving forest health, re-introducing fire, and/or re-establishing forested conditions*" (p. 52).

There are opportunities to support ongoing scientific research. Research opportunities to study the effects of large, high-intensity fires and restoration treatments on wildlife, conifer seed dispersal, tree recruitment, soil erosion, aquatic resources, and fuel accumulation are abundant within the project area. The Forest is working with scientists from the Pacific Northwest Research Station, Pacific Southwest Research Station, and University of California Davis to take advantage of the opportunity that a fire of this scale and intensity provides. This research would add a better understanding of the potential effects of management of burned forests to achieve long-term resilience and the conservation of native plants and animal species associated with these habitats.

Are there extraordinary circumstances? If an agency determines that a categorical exclusion identified in its agency NEPA procedures covers a proposed action, the agency shall evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect.